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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,371	10/24/2003	Kenneth S. Zukor	FL/140	2596
28596	7590	08/08/2005	EXAMINER	
GORE ENTERPRISE HOLDINGS, INC.			LU, JIPING	
551 PAPER MILL ROAD			ART UNIT	
P. O. BOX 9206			PAPER NUMBER	
NEWARK, DE 19714-9206			3749	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Fals

Office Action Summary	Application No.	Applicant(s)	
	10/693,371	ZUKOR ET AL.	
	Examiner	Art Unit	
	Jiping Lu	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (U. S. Pat. 5,522,155).

Jones shows a cap assembly comprising a cap 10, 90 with a recess (See Fig. 13, at 94, inside 90) to seal a container (by gasket 94 and threads 95) and a vapor path opening (at 92) for vapor passage between the container and an external atmosphere, a venting media 93 attached to the cap 90, a stopper 92 seated in a first position within the cap 90 adjacent to the recess 94. The stopper is movable between open and shut positions for allowing passage of vapor. With regard to the claimed material of the venting media, see col. 3, line 63 to col. Line15.

3. Claims 1-5, 8-12, 15-19, 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bender et al (U. S. Pat. 3,474,543).

Bender et al show a cap assembly comprising a cap 22, 24 with a recess (at 63, inside 21) to seal a container 19 (by threads 21 and gasket 27) and a vapor path opening (at 20) for vapor passage between the container and an external atmosphere, a venting media 66 attached to the cap 22, 24, a stopper 29, 30 seated in a first position within the cap 22, 24 adjacent to the recess (at 63, 64). The stopper is movable between open and shut positions for allowing passage of vapor.

Response to Arguments

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4. Applicant's arguments filed 5/25/2005 have been fully considered but they are not persuasive to overcome the rejection. First, broad claims presented fail to structurally define over the prior art references. The broad claims remain rejected under 35 USC 102b as stated above. Second, the applicant argues the Jones patent does not show a cap having recess for sealing to a container and a vapor path opening for vapor passage. The examiner disagrees with the applicant's interpretation in view of the broad claims presented. The patent to Jones clearly shows (Figs. 1-13) a cap 10, 90 with a recess (See Fig. 13, at 94, inside 90) to seal a container (by gasket 94 and threads 95) and a vapor path opening (at 92) for vapor passage between the container and an external atmosphere. A venting media 93 attached to the cap 90. A stopper 92 sits in a first position within the cap 90 adjacent to the recess 94. The stopper 92 is movable between open and shut positions for allowing passage of vapor. The structure of Jones is identical to the broad claims at issue. Therefore, the rejection under USC 102 is proper. The examiner urges the applicant to diagram the contents of broad claims 18, 15, 22. By diagramming the contents of the claims, the applicant will much better appreciate the examiner's position regarding the prior art references. Third, with regard to the applicant arguments that the Bender patent does not show a venting medium, examiner disagrees in view of the broad claims presented. Bender et al show a cap assembly comprising a cap 22, 24 with a recess (at 63, inside 21) to seal a container 19 (by threads 21 and gasket 27) and a vapor path opening (at 20) for vapor passage between the container and an external atmosphere, a venting media 66 attached to the cap 22, 24, a stopper 29, 30 seated in a first position within the cap 22, 24 adjacent to the recess (at 63, 64). The stopper is movable between open and shut positions for allowing passage of vapor. Again, the examiner urges the applicant to diagram the contents of broad claims 18,

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15, 22. By diagramming the contents of the claims, the applicant will much better appreciate the examiner's position regarding the prior art references. Finally, it is noted that the applicant did not present any argument regarding to depending claims. Therefore, it is assumed that is the applicant's intention to allow the dependent claims stand and fall with the broad independent claims.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

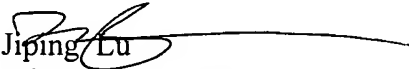
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.